

VOGEL PAINT & WAX SUPERFUND SITE

BACKGROUND:

- The Vogel Paint & Wax Superfund site, located in rural Maurice, Iowa, was listed on NPL in June 1986 due to contamination found in soils and groundwater for waste disposal practices of Diamond Vogel. The Environmental Protection Agency, or EPA, and Iowa Department of Natural Resources, or IDNR, agreed that IDNR delegated would have the site lead responsibilities to the Iowa Department of Natural Resources, or IDNR to oversee the site cleanup with the EPA as support agency, in 1990.
- A 1989 Record of Decision, selecting the remedy of Pump and Treat extracted groundwater, and 2000 Explanation of Significant Differences identified the cleanup objective for groundwater as attainment of Maximum Contaminant Levels, or MCLs, for Volatile Organic Compounds, or VOCs, like benzene, toluene, ethylbenzene and xylene, or BTEX, at the property boundary.
- Ethylbenzene was detected above the MCL in one off-site well during sampling events in 2018 and 2019, indicating contaminant migration beyond the property boundary.
- The PRP, Diamond Vogel, proposed and is currently implementing a pilot study to evaluate the effectiveness of in-situ bioremediation for groundwater cleanup and to implement still-pending recommendations from 2014 Five-Year Review report. The results of these efforts will be determined within approximately 18-24 months of implementation.
- Region 7 issued the Fifth Five-Year Review, or FYR, on September 10, 2019.
 - The remedy was found to be short-term protective based on EPA's conclusion that the current institutional control does not include an enforceable prohibition of future use of contaminated on-site groundwater.
 - The Five-Year Review also indicated that the current point of compliance for groundwater (property boundary) may be inconsistent with EPA's expectation to return groundwater to beneficial uses throughout the contaminant plume.
 - IDNR and Diamond Vogel submitted to Region 7 comments on the draft Fifth FYR objecting to both findings.

Commented [JL1]: why

Commented [MS2R1]: Please see the changes. But this extends to over one page and cannot fit the one page rule.

Commented [JL3]: I don't think this is the write terminology

Commented [MS4R3]: Ok, please see the changes.

Commented [JL5]: It seems like we should briefly summarize the remedy

Commented [MS6R5]: Please see the changes. But this extends to over one page and cannot fit the one page rule.

Commented [JL7]: Date?

Commented [MS8R7]: Please see the changes. But this extends to over one page and cannot fit the one page rule.

KEY POINTS:

- Region 7 consulted with OLEM's Office of Site Remediation Technology Innovation during development of the Fifth FYR.
- EPA received and promptly responded to congressional inquiries from Senator Grassley in September 2019 and from Senator Ernst in November 2019 regarding the findings of the Fifth FYR.
- On December 3, 2019, Regional Administrator Jim Gulliford transmitted a letter to Diamond Vogel responding to its concerns with EPA's development of the Fifth FYR.
- EPA received a response letter from Diamond Vogel on January 22, 2020, communicating continued disagreement with Region 7's FYR process.

TALKING POINTS:

- EPA is communicating closely with the lead agency IDNR to coordinate resolution of these issues with Diamond Vogel/Vogel Paint the potentially responsible party.

OCFO - XX (As determined in the ToC)

- EPA and IDNR plan to hold a ~~meeting~~conference with Diamond Vogel to discuss, provide guidance, and achieve resolution of current and anticipated issues identified by Diamond Vogel in their several letters.
- EPA has encouraged and continues to support Diamond Vogel's ~~the PRP's~~ ongoing implementation of the bioremediation pilot study.

Commented [JL9]: Discuss what

Commented [MS10R9]: Ok, please see changes.

Commented [JL11]: What are these

Commented [MS12R11]: Awaiting agenda input from RP

OCFO - XX (As determined in the ToC)